

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

Meeting of the Commission
August 24, 2011
10:00 a.m.

James R. Thompson Center
Murdock Room - IDHS
Suite 5-300
100 West Randolph Street
Chicago, IL 60601

and

Illinois Department of Transportation
1100 E. Port Plaza
Room 101
Collinsville, IL 62234

MINUTES

PRESENT:

Commissioners

In Chicago

Martin R. Castro, Chairman
Sakhawat Hussain, M.D.
David Chang
Robert A. Cantone
Terry Cosgrove
Nabi Fakroddin
Marylee V. Freeman
Spencer Leak, Sr.
Munir Muhammad
Rozanne Ronen
Diane M. Viverito
Patricia Bakalis Yadgir

In Collinsville

Marti Baricevic

Staff

N. Keith Chambers
Dr. Ewa I. Ewa
Donyelle L. Gray
Evelio Mora
Christine Welninski
LaNade Bridges

Members of Public:

Stephanie Patterson

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NOTICE:

Public meetings and closed meetings of the Illinois Human Rights Commission are audio recorded.

I. Call to Order

On August 24, 2011, at 10:00 a.m., Chairman Martin R. Castro called to order a meeting of the Illinois Human Rights Commission.

Pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., it was determined that:

- 1) A quorum of the public body was present at the meeting.
- 2) The day before meeting, August 23, 2011, the Illinois Department of Transportation informed the Commission that despite the Commission's prior advance reservation of Room 101 in Collinsville and the interactive videoconferencing equipment contained therein for Commissioner Baricevic's use, room 101 would not be available for Commissioner Baricevic's use. Due to the late notice, Commission staff did not have sufficient time to secure another room and/or interactive videoconferencing equipment. Therefore, Commissioner Baricevic was unable to participate in the meeting via interactive videoconference and had to participate in the meeting via telephone.
- 3) The Commissioners voted to allow Commissioner Baricevic to participate in the August 24, 2011 meeting via telephone. Motion made by Commissioner Freeman, seconded by Commissioner Nabi. Motion carried 11-0.
- 4) Commissioner Muhammad arrived shortly after the roll call but prior to the approval of the minutes.

II. Consideration of Minutes

July 27, 2011

The Commission voted to approve the minutes of the July 27, 2011, as amended. Motion to approve the minutes as amended made by Commissioner Nabi and seconded by Commissioner Yadgir. Motion carried 13-0.

III. Chairman's Report

Martin R. Castro, Chairman

Chairman Castro reported that he and Commission Executive Director Chambers met with the Governor's Chief of Staff Jack Lavin to discuss the FY12 budget. Chairman Castro announced that Mr. Chambers would provide a detailed report following the Chairman's report.

Chairman Castro also announced that he had attended a press conference sponsored by the Guatemalan, El Salvadorian and Mexican Consulates in Chicago. The press conference

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marked the start of Consulates' Labor Rights Conference. Chairman Castro further reported that the Illinois Department of Human Rights is conducting outreach to foreign consulates and that the Department will be inviting the Commission to these future outreach events.

IV. Staff Reports

A. N. Keith Chambers, Executive Director

Mr. Chambers reported on the meeting with the Governor's Chief of Staff Jack Lavin. Mr. Chambers reported that there was no better news concerning the FY2012 budget. Mr. Lavin was apprised of the challenges the Commission faced due to the budget cuts. Mr. Lavin was sympathetic to the Commission's concerns. However, Mr. Lavin could not offer any assistance and the implication was that the Commission would have to work with the resources it had.

Mr. Chambers gave a report on the decertification of the Commission's Administrative Law Judges ("ALJs"). The salaries of the ALJs will roll back to their precertification levels. The roll back will provide some relief to the Commission's fiscal gap for FY12 by make existing cuts to the Commission's budget more manageable and help the Commission avoid layoffs.

Mr. Chambers reported that a first draft of the Commission's *Amended Policy on Outside Employment* has been completed and distributed to the Commissioners for their review.

Further, although the Commission's budgetary and personnel issues have been his primary focus as of late, Mr. Chambers reported that the Diversity Dinner was still going forward, and he will continue to work on plans in furtherance of the Dinner.

Mr. Chambers announced that beginning with the September 2011 *En Banc* meeting, various members of the Commission's staff would attend *en banc* meetings to introduce themselves to the Commissioners and provide a brief overview of their duties at the Commission.

Finally, Mr. Chambers announced that a delegation from the Ukraine will be visiting the Commission on September 22, 2011 from 2:30 p.m. to 3:00 p.m.

Commissioner Viverito suggested that when the Commission has delegates visiting, we have a general power point presentation ready that will provide the delegates with an overview of the Commission. Keith stated that he has a draft of such a presentation and is finalizing it.

B. Dr. Ewa I. Ewa, Chief Fiscal Officer

Dr. Ewa indicated the Director had already covered much of what was in Dr. Ewa's report. In addition, Dr. Ewa reported that he will submit a request for supplemental funding for the Commission. However, the Commission may have to accept that it may not have more money coming in this year, and the Commission will have to manage its expenditures.

C. Michael J. Evans, Chief Administrative Law Judge

ALJ Evans reported that the number of walk-in filings continues to rise. The rise in filings may be due to staffing shortages in the Illinois Department of Human Rights.

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ALJ Evans stated that ALJ morale is down due to their union decertification. ALJ Evans explained the legal rationale behind their decertification, which is essentially that the ALJs are considered “management” as a matter of law, in that they exercised powers of the agency (i.e., the Commission) with relatively little oversight.

During ALJ Evans’ report, a discussion of the possibility of imposing filing fees ensued among the Commissioners as a way to provide additional funding for the Commission. Commissioner Cantone raised the issue of charging fees when filing a complaint with the Commission. Commissioner Hussain explained that the Illinois Human Rights Act does not permit charging fees. Commissioner Hussain explained that the Act has to be amended by the General Assembly in order for the Commission to charge filing fees.

Commissioner Cosgrove suggested that before proceeding on this issue, the Commission should find out what other agencies have done regarding this issue and that we should evaluate the pluses and minuses of fee filing. Chairman Castro agreed that some fact finding should be done to address the fee issue. Director Chambers indicated he would undertake some fact-finding on this issue. Chairman Castro also said that he would be attending a conference where similar administrative agencies would be gathered, and that he would ask agency representatives how they handled the issue of fee filing.

D. Donyelle L. Gray, Acting General Counsel

Ms. Gray distributed the proposed October through December 2011 Meeting Calendar and the proposed 2012 Meeting Calendar. Ms. Gray advised the Commissioners to review both calendars for their approval. The primary change to the calendars would be to maintain a two-panel per month schedule, plus a monthly *en banc* meeting. In order to maintain consistent numbers in terms of output, each panel could be assigned more cases.

Commissioner Ronen requested that if each panel were to receive more cases, the General Counsel staff send out panel packets earlier so that the Commissioners would have adequate time to review the materials. Ms. Gray stated OGC staff would strive to get materials in the mail earlier to accommodate larger caseloads per panel.

Thereafter, a discussion ensued amongst the Commissioners regarding the method of distribution of the panel packets. Chairman Castro encouraged the Commissioners to agree to receive panel packets in an electronic format, such as email.

The Commissioners agreed to receive packets electronically for three months starting in September 2011.

Ms. Gray announced that the September 14, 2011 Panel D meeting will be the first panel to receive the panel packet material electronically. Ms. Gray stated that due to the size of some materials, which might render them undeliverable via email, we might scan the panel packets to CD and send the CDs to the Commissioners.

Finally, Ms Gray announced that Assistant General Counsel Evelio Mora will attend the Labor Rights Conference at the Mexican Consulate on August 26, 2011 and provide information about the Commission.

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IV. New Business

A. *Proposed October through December 2011 Meeting Calendar*

B. *Proposed 2012 Meeting Calendar*

Items IV(A) and IV(B) were discussed in the Acting General Counsel's report.

C. *Pledge of Allegiance*

Commissioner Nabi requested that the issue of reciting the Pledge of Allegiance at the beginning of the Commission's En Banc meeting be placed on the Commission's agenda for the September 2011 En Banc meeting for discussion.

V. Old Business

Illinois Department of Human Rights Presentation

Lon Meltesen, General Counsel of the Illinois Department of Human rights and Brent A. Harzman, Manager of the Charge Processing Division, continued their presentation on the Department's charge filing and investigation process. Materials were distributed to the Commissioners and staff. Mr. Meltesen and Mr. Harzman entertained questions regarding the Department's investigation process.

VI. Executive Session

Pursuant to the Open Meetings Act, 5 ILCS 120/2(c)(1), the Commissioners voted to close a portion of the public meeting at 11:30 a.m. in order to discuss an internal personnel matter. Motion made by Commissioner Hussain, seconded by Commissioner Nabi. Motion carried 13-0.

At 12:10 p.m., the open meeting resumed.

VII. Adjournment

The meeting was adjourned at 12:12 p.m. Motion made by Commissioner Nabi, seconded by Commissioner Yadgir. Motion carried 13-0.

Respectfully submitted,

Donyelle L. Gray
Acting General Counsel